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1979

— FEATURE ARTICLE —

THE INDIAN RELIC COLLECTOR'S RIGHTS AND REMEDIES UNDER THE LAW

BY PROSECUTING ATTORNEY — TOMMY TUCKER
PAGE 48

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VOLUME XIV NUMBER 2

The Redskin

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SLATE POPEYE BIRDSTONE

John Baldwin — West Olive, Michigan

In 1918, as a young man, Jim Connely of Ontario, Canada, found a birdstone. It was found in Oxford County and was the rare Canadian type having one popeye on the center and top of its head. Only a few of this rare type have been found thus far and all have been found in Canada.

In the early 1960's, Archie Diller of Ottawa, Ohio, purchased the aforementioned bird and dubbed it with the name of "Old Topnot." This bird is pictured on page 56 of *WHO'S WHO # II* by H. C. Wachtel. This is probably the finest of the single eye birds. The banding in the slate peaks at the center body ridge and forms a darker pupil in the center of the popeye. I'm convinced that the birdstone makers studied the slate patterns and had the end result design in mind before starting work on the original rock. I've viewed unfinished specimens of birds discarded for no apparent reason. Speculation would suggest either its maker died before he could finish or more likely was not happy with how the slate banding was working out.

Knowing that Mr. Connely had found a total of four birdstones along with other relics, Archie Diller's son, Pete, and his wife made a trip to Canada in hopes more fine relics could be added to the Diller collection. On that trip a fine banded slate popeye and other relics were acquired. (Birdstone facing page.) The remaining two Connely birds were damaged and of lesser stature and remained in Canada.

The object of this article is to record the information about this bird. It will also expose in photographic detail its classic lines and slate banding patterns complementing its shape. Banded slate had to have been chosen not only because it is worked easily but because of obvious beautiful slate design patterns. Each of the next paragraphs will correspond with each of the five photographs of this bird. Detailed information, visible in each photo, will be pointed out.

The top photo (facing page) displays how the slate lines run straight down the back. This effect stripes the back similar to bird feathers. The back and tail outline can be seen in this view. This body outline is a typical Canadian feature; wide low body with wide flat tail. The thin beak with a sharp top edge and the button or popeye can easily be seen on the end of the eye stalk.

The middle photograph is featured actual size. This profile view portrays the classic outline shape that makes birdstones a favorite of prehistoric artform lovers. This view shows the ridged bases. Note how the right edge line runs from the tail tip and curves around to the corner of the front ridge. The notch cut in front of the front base ridge and the undercut jaw are features that must appear on authentic birds. Note the teardrop line running down the stalk of the eye to the vee of the jaw.

The bottom view features the slate lines and the placement of the basel drilling thru the ridge. The left eye stalk and flair of the button are visibly profiled.

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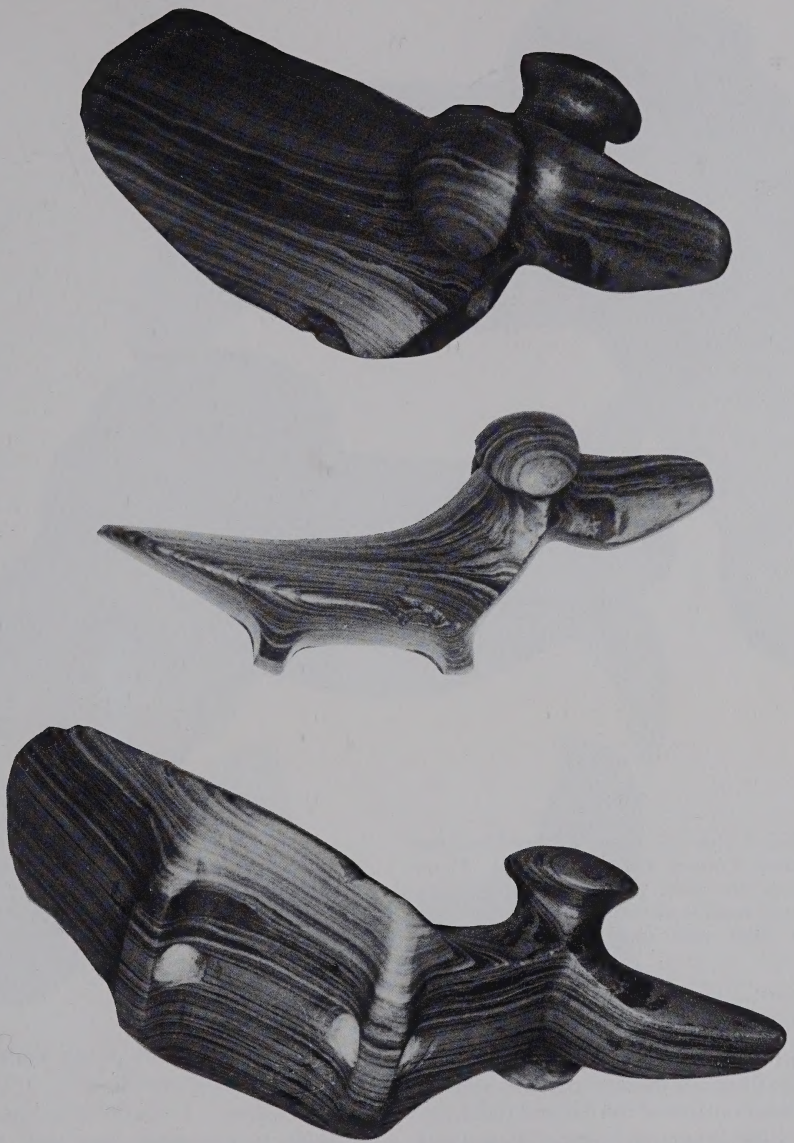
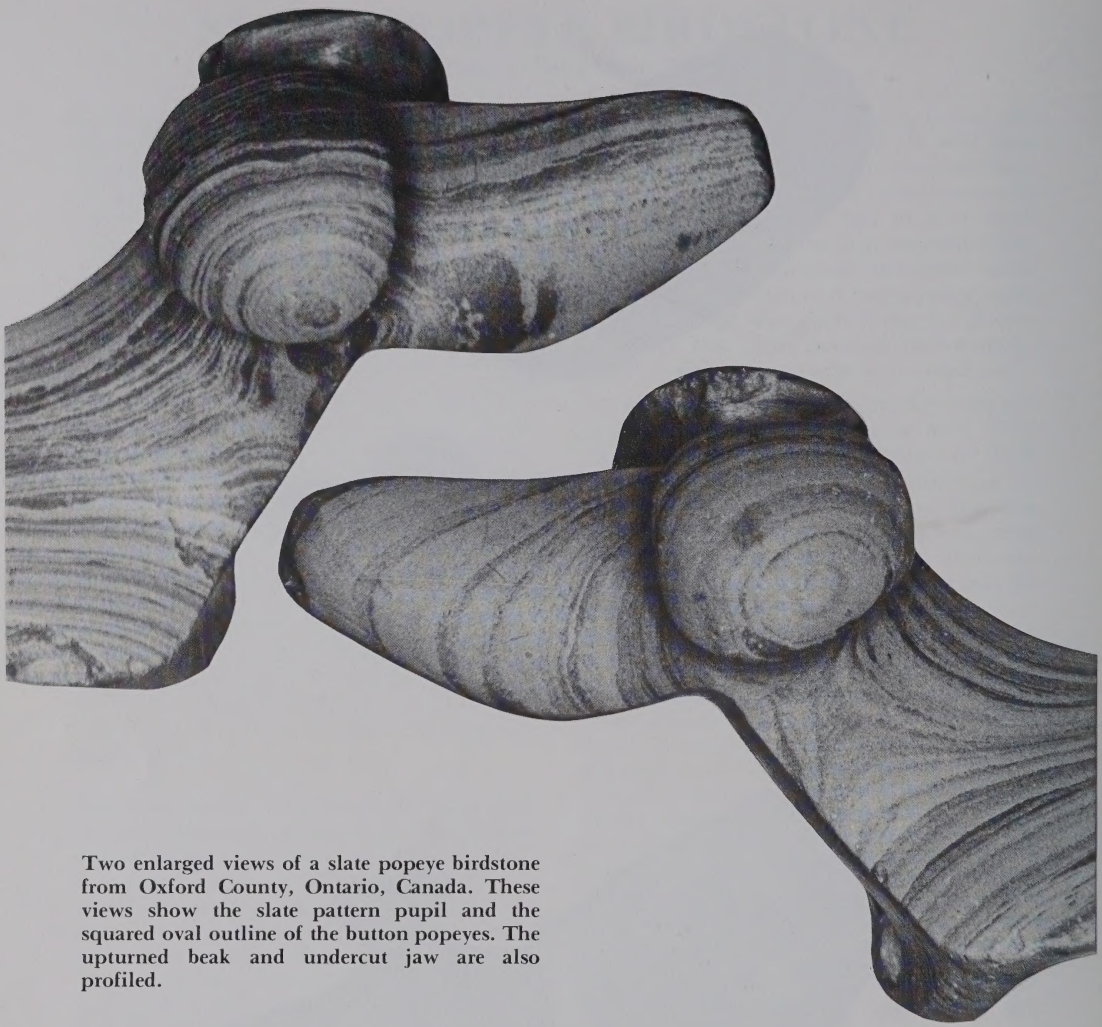


Three views of a popeye birdstone from Oxford County, Ontario, Canada. The center view is actual size. The other views are blowups that correspond to written information in the article.

from the collection of
John Baldwin, West Olive, Michigan

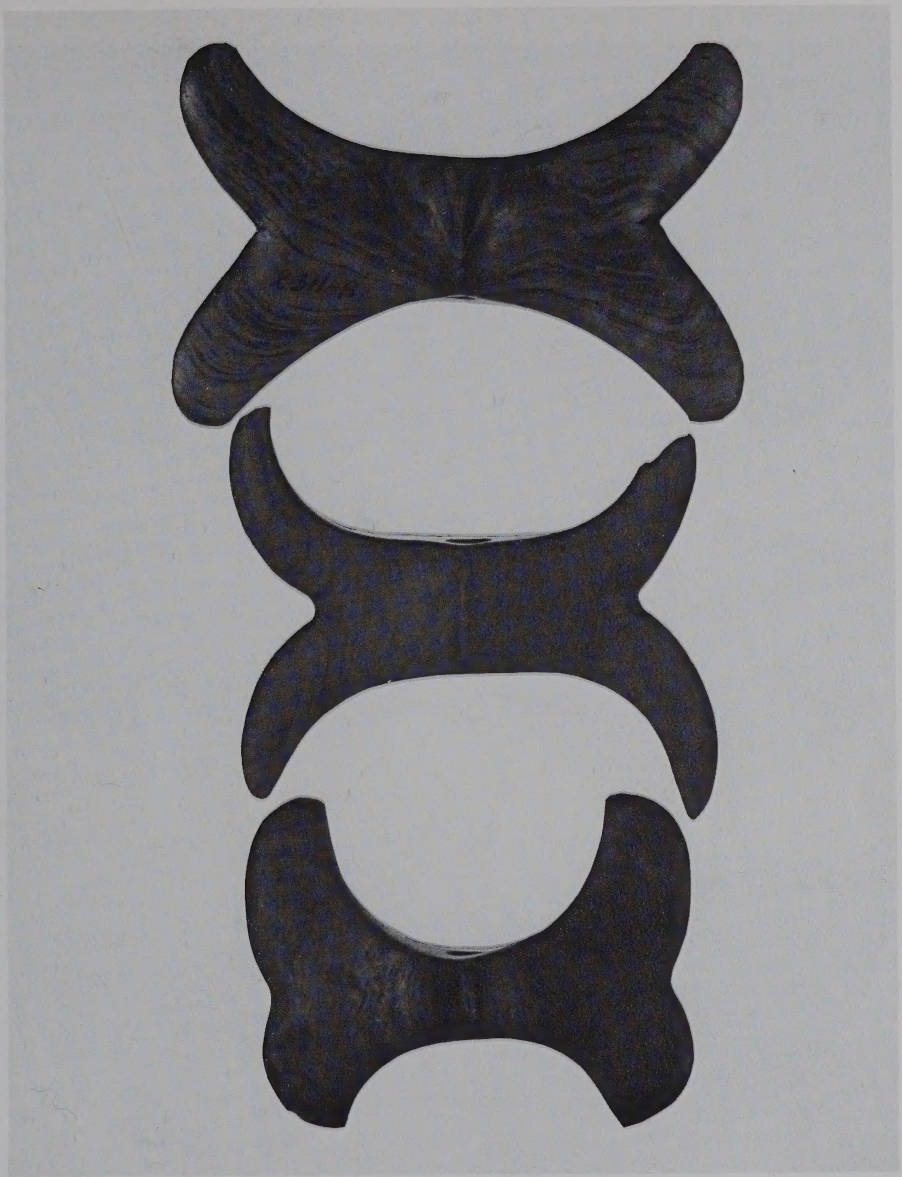


Two enlarged views of a slate popeye birdstone from Oxford County, Ontario, Canada. These views show the slate pattern pupil and the squared oval outline of the button popeyes. The upturned beak and undercut jaw are also profiled.

(Continued from page 42)

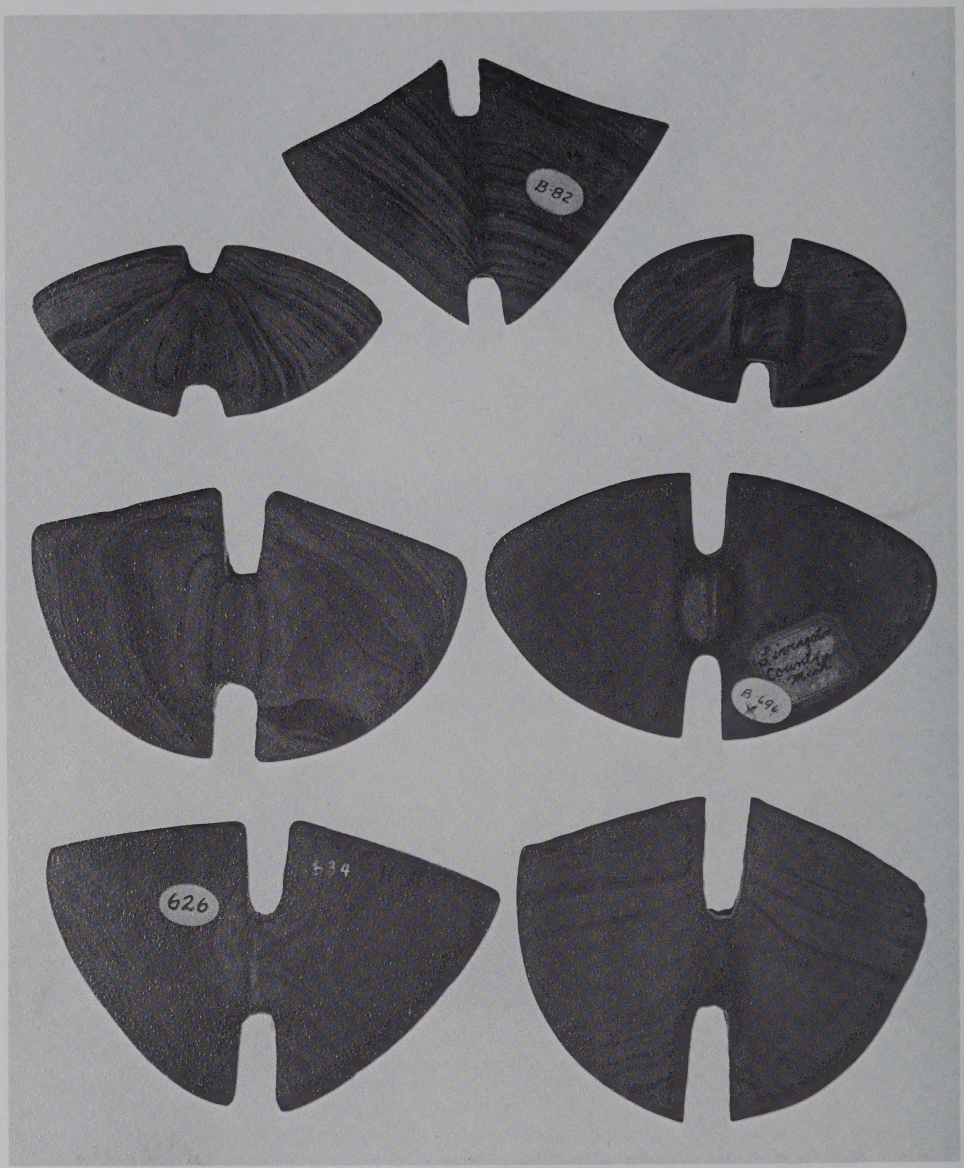
The front body and head blowup views are featured to illustrate the slate patterns and the squared oval outline of the left and right eye. This bird has longer and bigger than usual eye stalks and button ends. I believe the reason for this is visible as the small circular (pupil) pattern in the lower corner of both eyes. Had the slate been worked any smaller the circular pattern serving as a pupil would have been worked away. These eye patterns are prominent on many birds, both popeye and elongated examples.

In conclusion, I think I've used this birdstone to dramatize how slate patterns played an important part of the prehistoric artisan's consideration. Because of the end results of slate patterns visible on most of the classic birds, I believe much time was spent studying each blank before creation processes began.



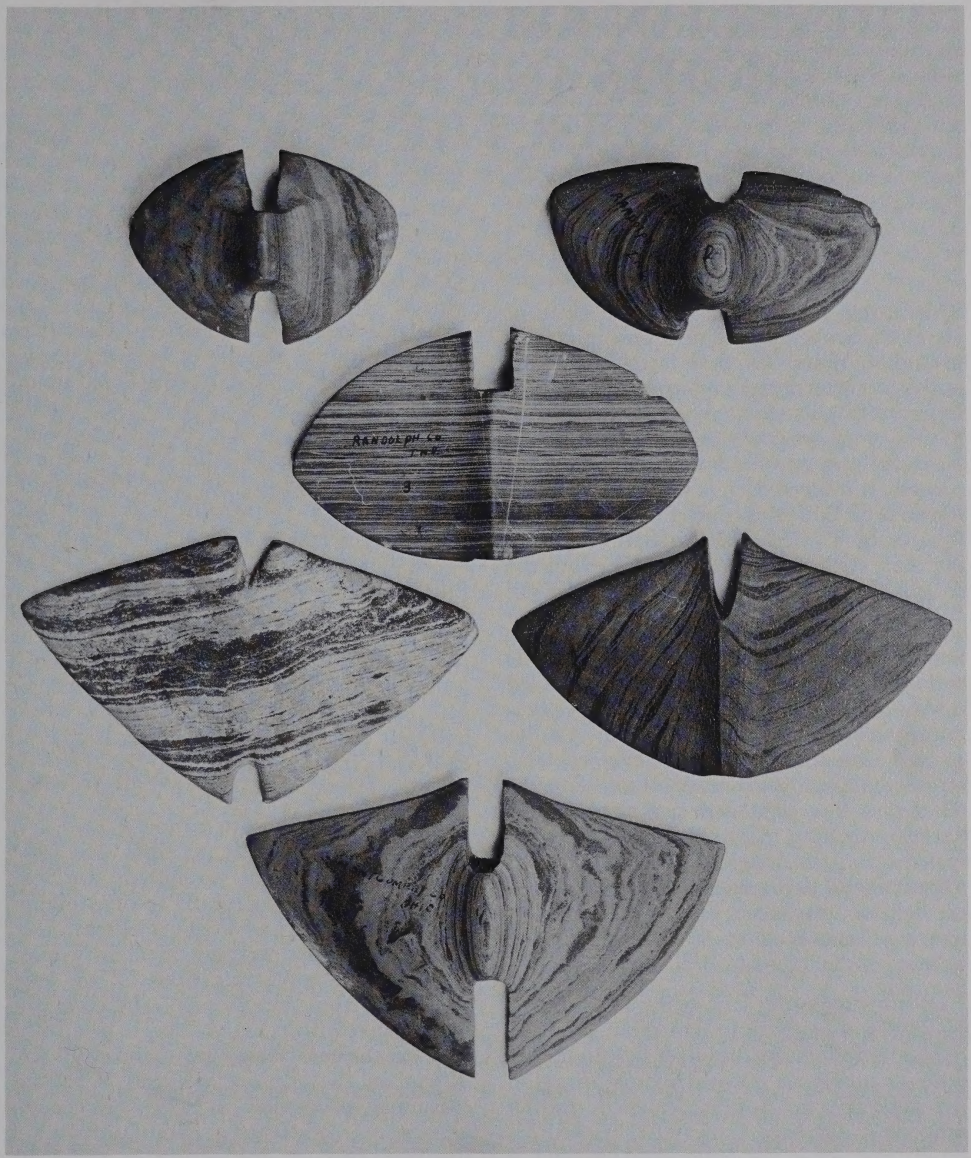
Three fine double crescent bannerstones. This type is one of the rarest of the wing group to acquire undamaged. Top — location unknown, formerly in the Roger Mayne Collection. Center — Ohio, formerly in the Stan Copeland Collection and Roger Mayne Collection. Bottom — Allen County, Ohio, formerly in the Gordon F. Meuser Collection.

from the collection of
Hugh Huff, New Castle, Indiana



Top row left: Park County, Indiana; Center: Montgomery County, Ohio; Top row right: Allen County, Ohio; Middle row left: Montgomery County, Ohio; Right: Livingston County, Michigan; Bottom row left: Miami County, Ohio; Right: Cass County, Indiana.

from the collection of
Hugh Huff, New Castle, Indiana



Wing bannerstones made from banded slate. All found in the states of Ohio and Indiana. The bottom double notched wing bannerstone is from Montgomery County, Ohio. It was a prize relic in the collection of Dr. Rollin Bunch of Muncie, Indiana. It is one of the very finest of its type.

from the collection of
Charles Smith, Modoc, Indiana

THE INDIAN RELIC COLLECTOR'S RIGHTS AND REMEDIES UNDER THE LAW

Tommy Tucker, Jr. — Tunica, Mississippi

A STARTING POINT

This article is presented from the point of view of a lawyer/prosecutor, very interested in Indian relics. Its goal is to give some understanding of the law as it affects us as Indian relic collectors, as well as to provoke thoughts on how we might better protect ourselves and our hobby through the legal process. If it succeeds, it is with the benefit of research by Bob Arentson of the Mississippi Prosecutors College and Marshall Bennett of the State Attorney General's Office and the encouragement and guidance of my friend, Jack Roberts.

Some collectors think that the law affords little or no protection to the deceived purchaser of simulated Indian relics. This is not the case. The law does not allow a seller to intentionally deceive his buyer by false representations, and when this happens, the buyer has various remedies available; he may seek to recover the damages he suffered by a civil action against the seller, to put an end to his deceptive practices with the help of a consumer protection agency or to bring him to account through the criminal system.

I am not suggesting that every time an item bought as a genuine Indian relic turns out to be a reproduction, the buyer should sue the seller or otherwise proceed against him. On the contrary, an honest dealer in Indian relics will not have consciously tricked his buyer, and when the buyer contacts such a dealer about a questionable item, the dealer will gladly return his money. However, in the event a fair adjustment is not made by the seller, the buyer should be aware of the vehicles of protection available to him and make use of these.

The buyer of Indian relics who has been duped will have to decide which of the available legal remedies he will seek. If his loss is worth the expense of hiring a lawyer and going to court, he can bring a civil action against the seller to collect his money damages. If the cost of a lawsuit is too high to make his suing the seller for the value of the item worthwhile, but there exists sufficient impact on consumers to warrant such action, the buyer can call upon a consumer protection agency to bring a suit to obtain an injunction to make the seller stop his illegal acts at public expense. If the fraud is clearly willful and persistent, so that it affects the public, the buyer can notify the government's attorney about this offense, so the prosecutor can bring the seller into criminal court and put him in jail. In some cases, both civil and criminal actions will lie.

This article is by no means a complete discussion of the legal remedies that exist to aid the buyer of fraudulent artifacts. Whether the seller is legally responsible for deception depends on the facts of each case, and while Mississippi laws are mainly relied on here, the applicable rules of law vary somewhat from state to state. Therefore, the buyer who consults his attorney to determine if he has the basis for a legal action or asks an official of the appropriate state or Federal consumer protection or law enforcement agency to investigate a complaint and if justified, seek an injunction or prosecute the offending seller, should discuss the particulars of his problem with the attorney or official and consider the statutes of that particular jurisdiction. I hope this information on fraudulent artifacts and the law will help him in that situation.

FRAUD OR MISREPRESENTATION IN SALES - GETTING YOUR MONEY BACK

The general principles of the law of fraud are applicable in sales or exchanges of property. In such a transaction, a material representation of fact, made by the seller to the buyer, which the buyer believes and on which he relies to his injury, will justify the setting aside of the sale and entitle the buyer to relief. Fraud must be clearly established, and the burden of proof is on the buyer who brings the action.

In an action for fraud, it is essential that the buyer establish the following: the seller's representation that the item sold is a genuine Indian relic was made as a statement of fact, the statement was untrue and known to be untrue by the seller, the statement was made with the intent to deceive and for the purpose of inducing the buyer to buy the item, and the buyer did in fact rely on the representation and was induced by it to buy the item, thereby sustaining damages. The buyer must show that, whether directly or indirectly, the representation was made to him, it was of such a nature that it was reasonably calculated to deceive him, and he would not have purchased the item if the seller had told him it was a reproduction.

In short, the buyer of Indian relics should be aware of the problem with phony ones and exercise caution; if a sales offer sounds too good to be true, it may well be. When buying an item, the buyer should be careful to obtain the seller's representation of fact, as distinguished from his opinion, in definite, rather than vague, terms, as to the genuineness of the item; he should also make any reasonable inquiries to ascertain that the source of the item is prehistoric or Stone Age man. The testimony of a disinterested witness who observed the transaction could be useful to the buyer in proving that the seller represented that the item is genuine. Although often impractical, if not impossible, to obtain, a written statement from the seller indicating that the item sold is a genuine, prehistoric Indian relic would be the best evidence to prove this issue.

Also, the buyer of an item that turns out not to be the genuine Indian relic he thought he was getting but a fake instead may be able to return it and bring an action for breach of contract against the seller to recover the price he paid for it. The Uniform Commercial Code, adopted by Mississippi and other states, contains provisions on good faith, sales, warranties and remedies of the buyer, and an action against the seller could be brought under it in a proper case.

GOVERNMENT PROTECTION OF BUYERS — PUTTING A STOP TO ILLEGAL CONDUCT

Of course, civil actions are expensive, but even when the amount recoverable is too small to make a lawsuit economically feasible, an important principle is involved, and the buyer should assert his rights. Most states have adopted deceptive trade practice and consumer protection acts which make it unlawful to use or otherwise engage in unfair or deceptive acts or practices in the conduct of trade or commerce. Section 75-24-5 of the Mississippi Code of 1972 Annotated sets out what conduct is forbidden in this state. The Attorney General may bring an action in the name of the state pursuant to Section 75-24-9 in order to enjoin deceptive acts and practices against one representing that goods are of a particular source or quality when they are not; and Section 75-24-19 authorizes a civil penalty of not more than $5,000.00 payable to the state upon violation of the terms of an injunction issued under the consumer protection act and an additional penalty not exceeding $500.00 if the Attorney General files a petition and the Court finds a willful violation of the statute on prohibited business acts has occurred.

The right of an injured person to maintain an action to collect damages under a consumer protection act is provided by legislation in some states. Section 75-24-15 of the Mississippi Code authorizes an individual

suffering a loss by a deceptive act or practice in the sale of goods "primarily for personal, family or household purposes" to bring an action against the seller to recover his money and a reasonable attorney's fee. I believe that it would be easier to present proof in an action brought under this or a similar statute than in a common law action for fraud, as the buyer would not be required to establish certain of the elements of proof required in a fraud action. Also, under the Mississippi statute on discovery in consumer protection actions, proceedings can be brought by the Attorney General to require the seller to file a statement or report or obey a subpoena or investigative command. Although prohibited by our statute, the laws in some other states provide the right to maintain a class action, an action brought on behalf of other persons similarly situated, under the consumer protection acts.

Many states have established consumer protection agencies to help the victims of deceptive acts or practices. In Mississippi, the Office of Consumer Protection of the State Attorney General's Office has been created and charged with administration of our consumer protection laws. Persons with whom buyers in some other states may wish to register complaints about unfair actions by sellers are: Susan P. Dewitt, Assistant Attorney General and Chief, Consumer Protection Division, 500 South 2nd Street, Springfield, Illinois 62706; David A. Miller, Assistant Attorney General and Director, Consumer Protection Division, 219 State House, Indianapolis, Indiana 46204; William C. Newcomb, Jr., Chief Counsel, General Protection Division, Supreme Court Building, Jefferson City, Missouri 65101; and Robert S. Tongren, Chief, Consumer Fraud and Criminal Division, State Office Tower, 30 East Broad Street, Columbus, Ohio 43215.

The Federal Trade Commission, Washington, D.C. 20580, is also concerned with unfair business practices. Federal laws prohibit the use of the mails to defraud; help may be as near as your post office.

CRIMES INVOLVING INDIAN RELICS - PUNISHING THE OFFENDER

In clear cases when a fraud has been perpetrated, a serious offense has been committed, some individual victimized and our hobby hurt, and the wrongdoer should be arrested, prosecuted and punished by the state for his crime. I am proud to report that Mississippi's laws on fraudulent relics are progressive.

Section 39-7-27 of the Mississippi Code, Reproduction or Forgery Prohibited, states: "No person shall intentionally reproduce, replicate, retouch, rework, or forge any archaeological or other object which derives value from its antiquity, with intent to represent the same to be original or genuine and with the intent to deceive or offer any such object for sale or exchange." Section 39-7-35 provides that any person violating the preceding statute, as well as other provisions of the chapter on antiquities, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than $50.00 and not more than $500.00 or by confinement in jail for not more than thirty days or by both such fine and imprisonment; and Section 39-7-37 provides that the Attorney General shall have the power to bring an action in any court of competent jurisdiction to enjoin violations of the antiquities laws.

Section 224.2, Simulating Objects of Antiquity, Rarity, Etc., of the Model Penal Code of the American Law Institute, which contains uniform acts which can be adopted by the states, states: "A person commits a misdemeanor if, with purpose to defraud anyone or with knowledge that he is facilitating a fraud to be perpetrated by anyone, he makes, alters or utters any object so that it appears to have value because of antiquity, rarity, source, or authorship which it does not possess."

Mississippi is not the only state with a section addressed to criminal simulation. Section 2913.32 of the Ohio Revised Code on criminal simulation is similar to the Model Penal Code section; in addition, it makes it illegal for a person to "possess with

purpose to utter any object he knows to have been simulated" as therein provided. Section 570.090 of the Annotated Missouri Statutes on forgery states: "A person commits the crime of forgery if, with the purpose to defraud, he . . . makes or alters anything other than a writing, so that it purports to have a genuineness, antiquity, rarity, ownership or authorship which it does not possess; or uses as genuine, or possesses for the purpose of using as genuine, or transfers with knowledge or belief that it will be used as genuine, any writing or other thing which the actor knows has been made or altered in the manner described in this section."

It appears that in a criminal prosecution for reproducing an archaeological object, it would be necessary for the state of Mississippi to establish by competent evidence, beyond a reasonable doubt, that the supposed relic is fraudulent, the defendant manufactured or altered it and he had the intent to represent it to be genuine and to mislead another with it or to make a sale or trade of it.

I believe that the positive evidence of experts in the field, that is, archaeologists, museum officials, reputable dealers and advanced collectors, such as members of the Authentication Committee of our Society, would be required to show that the item in question is a fake. Testimony in connection with the methods used to decide the authenticity of the questioned item would be important.

Although Mississippi has enacted a statute expressly providing that the reproduction of an archaeological object with the intent to represent it as genuine is punishable, I note that our statute only applies when the fraudulent relic is made by the defendant and does not provide protection against a seller who is not also the maker. However, I believe that this void is filled by the statute on false pretenses, Section 97-19-39, which makes it a crime for one to obtain money or property by means of an erroneous statement of fact, that the item sold is a genuine relic, made with the intent to cheat or defraud.

Again, the statutes of the various states on false pretenses or deception are similar. For example, Section 17-1 of the Illinois Criminal Code states: "A person commits a deceptive practice when, with intent to defraud . . . he knowingly makes or directs another to make a false or deceptive statement addressed to the public for the purpose of promoting the sale of property or services." Section 35-43-5-3 of the Indiana Criminal Statutes states: "A person who . . . with intent to defraud, misrepresents . . . the identity or quality of property . . . commits deception."

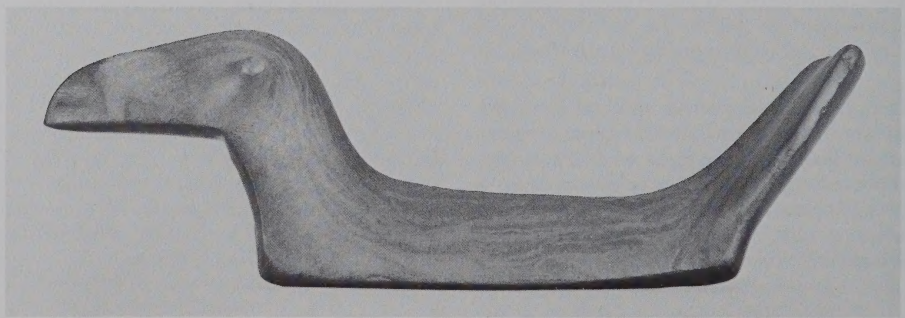
IN CLOSING

Finally, the Genuine Indian Relic Society, Inc., through its publication, Authentication and other programs, helps to make it difficult for the manufacturers and sellers of imitations to operate. We should recognize the importance of our organization, its purposes and the opportunity for working together which it gives. We should support our Society in its efforts against these unscrupulous persons and develop additional programs to help with the problems they cause. Also, the victim of a fraud should be willing to make a complaint, and the knowledgeable, experienced collector should be willing to appear as his witness. We should let our views be known and ask our elected representatives to make even better and stronger laws to protect collectors and this hobby we so much enjoy.

SPECIALIZED ISSUES NOTICE POTTERY

The last issue of REDSKIN in 1979 will be a specialized issue on pottery. The above photo was in the pottery collection of Dr. Rollin Bunch of Muncie, Indiana. Dr. Bunch assembled a fine general collection and this old photo shows his pots did not take a backseat. REDSKIN is interested in printing old photos of collections.

BIRDSTONES



The birdstone specialized issue will be upcoming. This birdstone was found in Northwest Ohio. It has a very large fantail. It is made from a red banded slate. The nose or beak has been worked down from damage at one time or another.

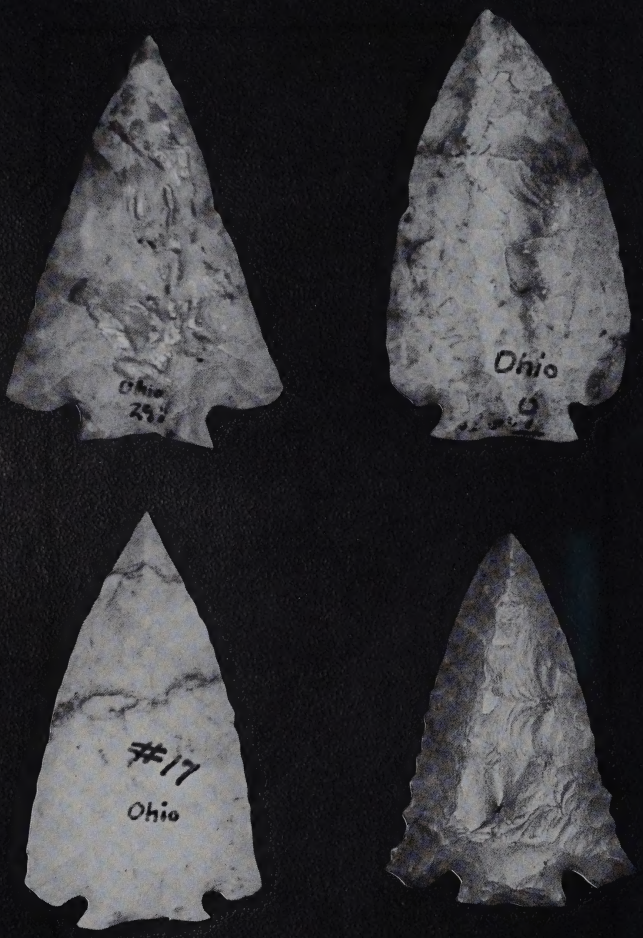
from the collection of
Ronald Raitz, Tiffin, Ohio

DOVETAILS

This fine Ohio Flint Ridge material black dove with translucent pearl inclusions was originally collected by Dr. Gordon F. Meuser. Many years ago a trade for a pipe brought the dove to Indiana. Maybe some day a trade for a pipe will move it into another state. The hope of that possibility is what makes collecting fun. The dovetail issue will be the final issue of 1980. We still need good photos of your fine doves. Above - actual size.

from the collection of
Irvin Dougherty, Fremont, Indiana

FRACTURED-BASE POINTS



Above are four fractured-base points in the Clemens Caldwell Collection. These points have two flakes removed from each tang extending toward the midline of the stem. These flake scars are at a right angle to the point, thus a short base is formed for a more secure haft when mounted. The fractured-base point has been affiliated with the Archaic Period.

Snyders Points from the Clemens Caldwell Collection

The Snyders Points are found in the central Mississippi and Ohio Valley drainage system and are affiliated with the Middle Woodland period of 500 B.C. to A.D. 400. This type of blade has convex edges triangular in design terminating in bold barbs. Most Snyders Points are thin in cross-section and are crafted of a light colored flint or chert.

SNYDERS POINTS

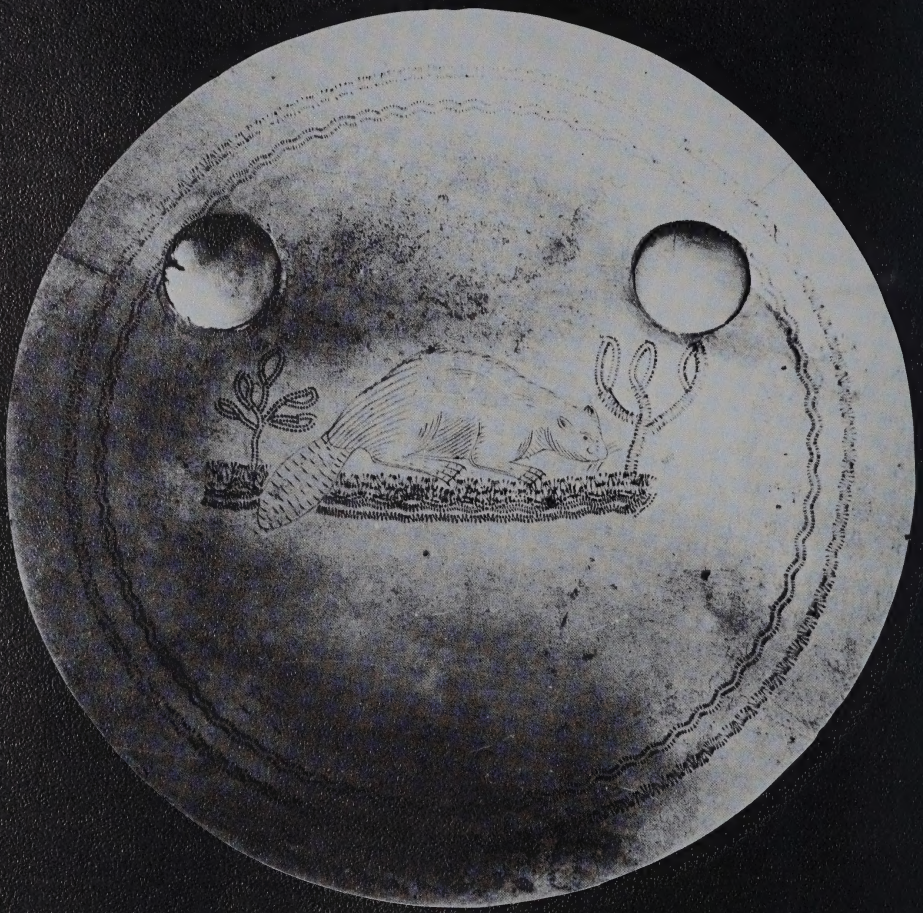
Lincoln County, Missouri

Cole County, Missouri

Cooper County, Missouri

TRADE SILVER

Gordon Hart — Bluffton, Indiana



Trade silver beaver gorget shown actual size. From the Matthews Site, Essex Township, Clinton County, Michigan. Hart Collection. Formerly at Michigan State University.

TRADE SILVER

Gordon Hart — Bluffton, Indiana

The Genuine Indian Relic Society does not, as a general policy, tend to publish papers on other than prehistoric material unless of unusual interest. That interest has developed in a desire for knowledge of artifacts created in the 1700-1800's by white man as a bartering agent to the Indians and is namely, trade silver. The following account is published to enlighten those readers not knowledgeable of this facet of historic artifacts as well as those who already retain them and enjoy them as a part of our American heritage.

With the advancement of electronic technology in the development of a more sensitive generation of metal detectors for locating underground metal objects, a productive archaeological tool has evolved. That tool was used in locating the Matthews Site, the subject of this paper.

The material researched for this paper was THE MICHIGAN ARCHAEOLOGIST, which presented thirty-four pages on the "Matthews Site" in volume 18, number 4 of the December, 1972 issue. Charles E. Cleland of Michigan State University authored the paper. A portion of this material is derived by direct quote from the aforementioned writings.

> *The Matthews Site (20 C1 61) is located near the border of Clinton and Gratiot Counties, 2 miles east of Maple Rapids, Michigan: NE¼, NE¼ sec. 3, Essex Township, Clinton County. Confined to a small knoll ½-mile south of the Maple River, the site was found during the spring of 1966 when Clyde Anderson of St. Johns, Michigan, began exploring this area in search of an early nineteenth-century Indian village which was noted in several accounts of the early history of the Maple River Valley. The burials were located with a metal detector and subsequently were excavated by Mr. Anderson.* Mr. Cleland, the author, states he *visited the site late in the summer of 1966. Skeletal material was left in situ and was later reburied. Artifacts associated with the burials were lent to the Michigan State University.*
>
> *Four burials were excavated. Field notes indicate that the graves were extremely shallow, and skeletal material was encountered less than 6 inches beneath the ground surface. Some surface erosion of the burial knoll very likely had taken place since the Matthews farm was cleared in the early part of the last century.*

This paper will transmit knowledge of Burial #1 from which the pictured artifact, the beaver incised silver gorget was retained. However, a total of four burials were located, all with trade silver objects. Burial #1 predated the other three yet held the most elaborate of the trade silver offerings.

> *This adult male (in Burial #1) was buried in a supine position with the legs slightly flexed at both the hips and knees; the forearms were crossed over the abdominal region. An oval strike-a-lite and a flint were positioned above the left shoulder; these items constitute the contributed grave goods. In addition, however, this individual was adorned with a large number of trade-silver artifacts. These include arm bands on both upper arms, perforated hair brooches positioned on either side of the skull, and seven large, engraved, circular*

gorgets. One gorget was recovered from beneath the pelvis. The remaining gorgets covered the entire upper chest area, three on the right and three on the left. These were of three graded sizes and were attached in a slightly overlapping manner with the largest gorgets occupying the lower, lateral position. The gorgets were worn beneath a cape or vest made of sandhill crane feathers.

The gorgets consist of a slightly concave silver plate with two perforations placed in the upper center, an engraved animal design at the center, and an engraved border design at the edges; all designs are executed on the concave surface. Each perforation contains a silver pin with a large convex head, designed much like a cotter pin. The arms of the pin pass through the perforation so that the gorget may be affixed to the clothing. The largest gorgets are cut from thin sheets of German silver. Each bears the engraved image of a beaver and was probably made by the same artisan. The design elements are so similar that it seems unlikely they could have been made by different craftsmen.

In excavating Burial #1, a gorget was found under the pelvis and was probably attached to the tails or lower margin of a coat. Although this specimen has the same method of attachment, it differs from those previously described. Somewhat smaller, the edges are folded over a wire to form a pronounced lip. The design is an engraved goose floating on water; there is no border decoration. This gorget bears two touchmarks, which is quite unusual: the block initials B P in a square cartouche and the block initials PJD in a rectangular cartouche.

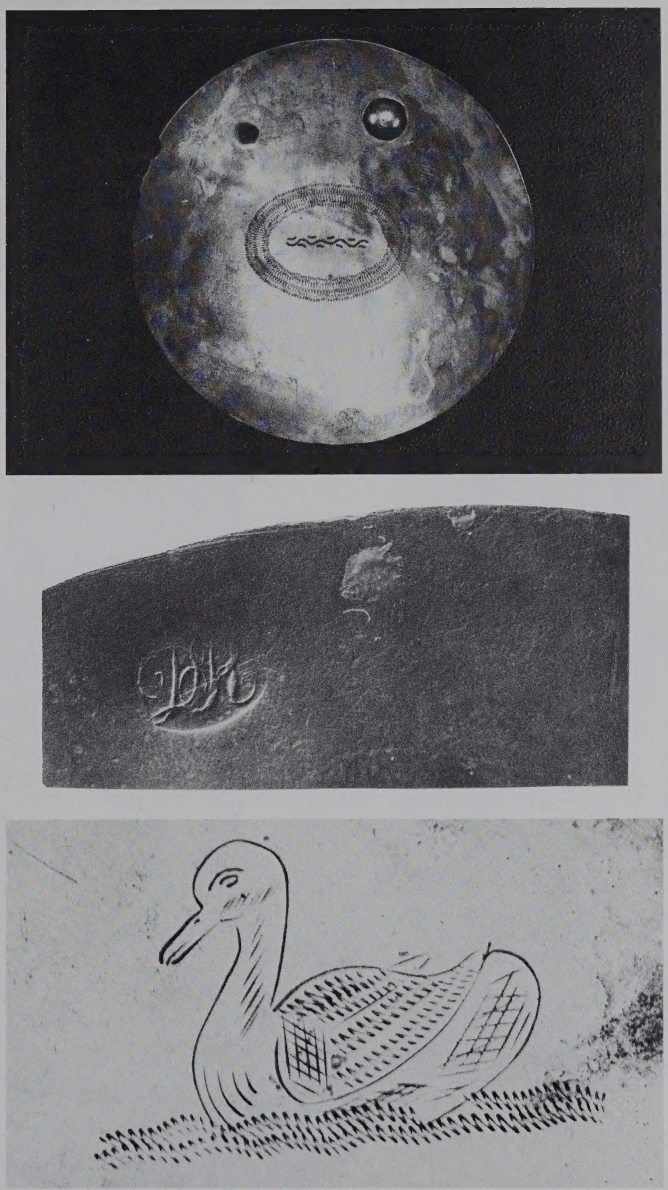
Continuing with the Matthews Site, the majority of grave goods are obviously typically American trade commodities. We could speculate that their origin was probably a local trader who worked independently out of Detroit. Whitmore Knaggs, Richard Godfroy, John Cushway, or George Campau would be the most likely individuals. There is, however, good evidence for wider trade contacts which seem to have taken place shortly before or after the War of 1812.

All of the above text printed in Italics are quotes from the paper written by Charles E. Cleland, Michigan State University. These represent a small portion of the thirty-four page report published in THE MICHIGAN STATE ARCHAEOLOGIST, 1972.

Upon the death of Clyde Anderson, the material was recalled by his estate from Michigan State University.

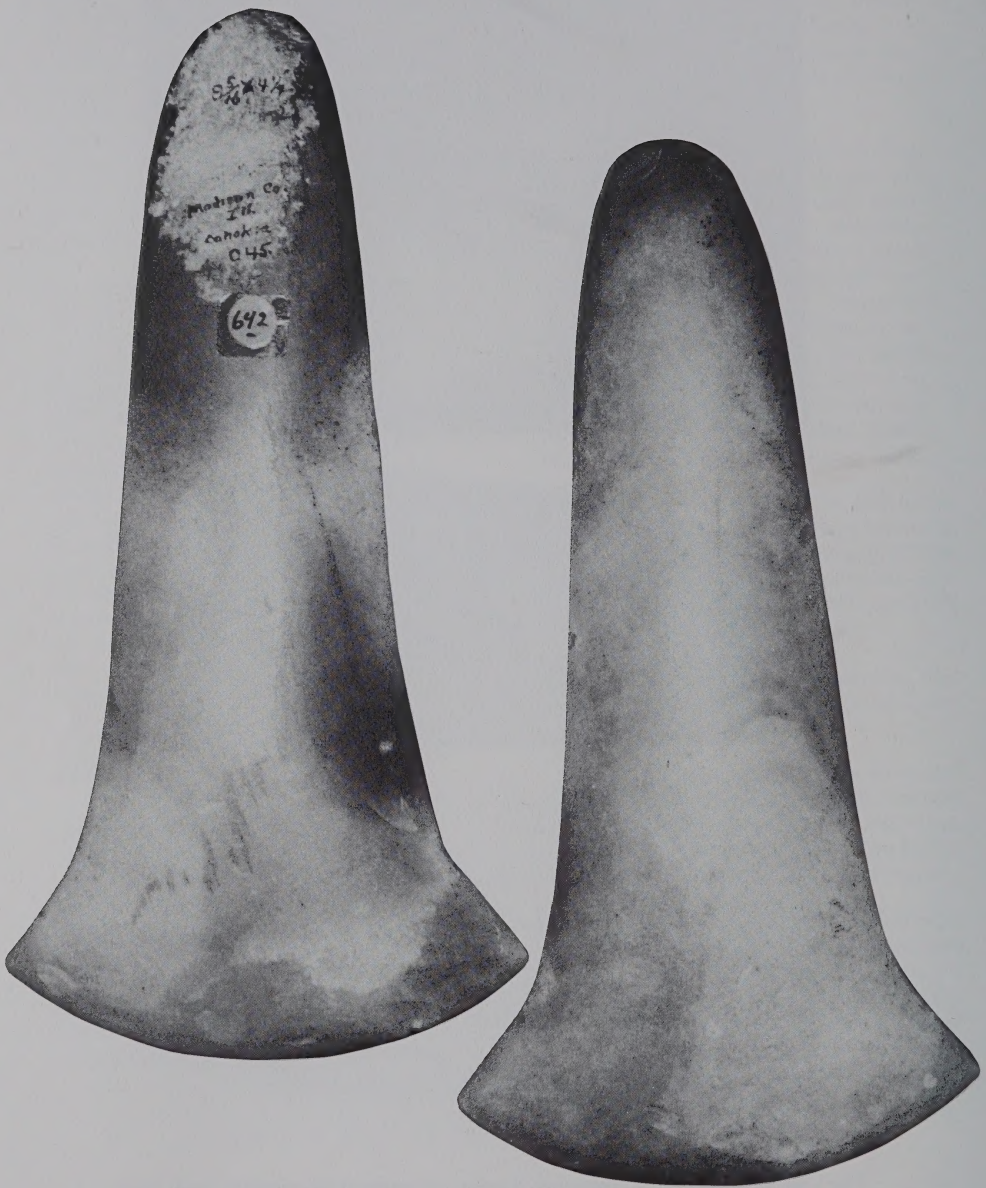
On January 21, 1978, the artifacts from the Matthews Site were sold at auction. Several pieces were received into the Hart collection from the daughter of Clyde Anderson, Hilda Bancroft, who was executrix of said estate.

The silver gorget pictured in actual size with this paper is the outstanding artifact from the Matthews Site in the author's opinion. In time this piece may rejoin Mr. Anderson's field notes at Michigan State University if they have been retained.



Top - silver gorget with engraving. Center - closeup of silversmith touch mark. Bottom, enlargement of swimming goose on round gorget. Michigan.

from the collection of
Gordon Hart, Bluffton, Indiana



Obverse and reverse view of an 8-5/16 x 4¼-inch multi-color chert flared spud. Found in Madison County, Illinois.

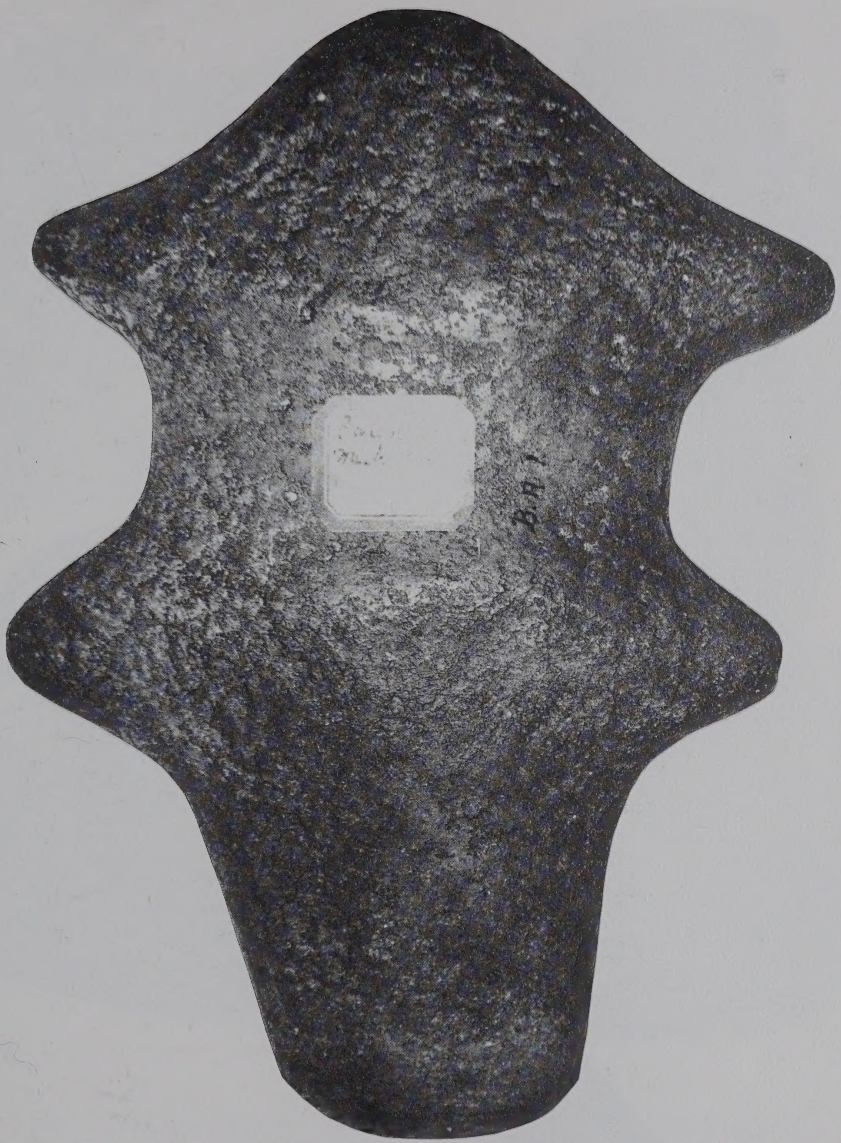


Photo of an 8¾″ Michigan barbed axe found in Eaton County, Michigan. This specimen was created from a yellow quartz material. It is a classic example displaying the large barbs and small prehistorically shortened and resharpened blade and bit.

from the collection of
Ken Simper, Hamilton, Indiana

This effigy 5½-inch tube pipe is from Marion County, Kentucky. It is crafted of very dark green steatite using an expanded human face design seldom seen associated with this type artifact.

from the collection of
Clemens Caldwell

An 8¼-inch steatite bird effigy pipe found in Kentucky. Formerly in the Rollin H. Bunch, M.D. Collection of Muncie, Indiana.

from the collection of
Charles Smith

Top - Actual size photo of a spotted white and gray porphyry ¾ grooved axe. Porphyry axes in good condition are rare.

from the collection of
Owen Davis, Bloomfield Hills, Michigan

Bottom - Photo of an 8¼" Wisconsin fluted axe made from dark granite. Formerly in the Dr. Warren Baker Collection.

from the collection of
Gale Highsmith, Milwaukee, Wisconsin

The magnificent "Tobinsport Clovis" shown actual size. This spear point was found inside the city limits of Tobinsport, Indiana.

collection of
Art Gerber, Tell City, Indiana

Left - Photo of an 8¾" Knife River flint oval blade. This blade is one of the larger relics crafted from this material.

from the collection of
Ray and Steve Johnson, Kent City, Michigan

KNIFE RIVER POINTS AND MATERIAL

Art Gerber — Tell City, Indiana

Knife River flint is a very fine-grained micro-crystalline quartz of a semi-translucent nature, usually of a tan-to-brown coloration. It was formed from radiolarian (a form of one-celled sea animal) ooze beneath the sea floor. The main occurrence seemed to be in Montana, but there may have been a source near the town of Derby, Indiana, because of the prevalence of points found there that were made from it. Points made of it are very rare. It must not have existed in great quantities. The fine-grained structure of Knife River flint and its brittleness made it desirable for shaping arrowheads and spearheads by spalling.

Knife River Flint

Left - Photo of a 5½″ Hopewell spear from Winnebago County, Illinois. This Knife River Flint is finely chipped and highly translucent.

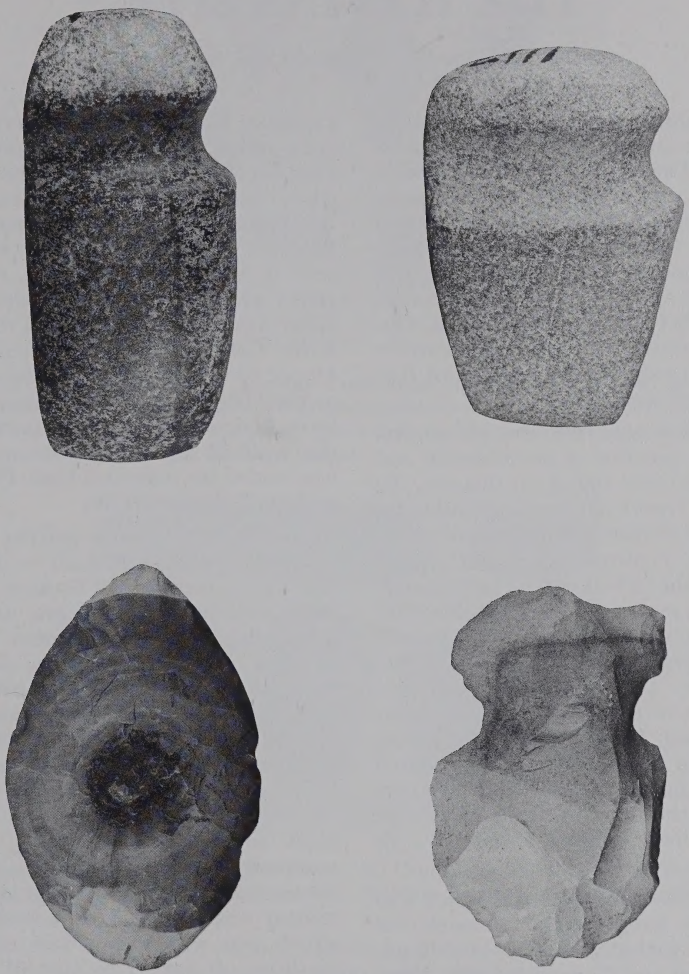
from the collection of
Gordon Hart, Bluffton, Indiana

Right - Photo of a 7″ Adena blade created from Knife River Flint. This spear has been beveled or resharpened. It has the white quartz inclusions typical of this material. Very well made and highly translucent.

from the collection of
Jack Hooks, Mansfield, Ohio

The above pictured flints were originally collected by Don Boudeman of Kalamazoo, Michigan. They were purchased over a period of years by Gerrit Waterlander from the Boudeman Collection. All are Illinois or Missouri white, gray and pink material. The dovetail in the lower right was found at Springfield, Illinois.

from the collection of
Jake Waterlander, Battle Creek, Michigan



The above pictured artifacts are personal finds of David Stemle. The large two pound green and black speckled granite ¾ groove axe was found in Harrison County, Indiana in November of 1977. The upper right ¾ groove axe was found in Harrison County, Indiana in November of 1978. It is made of a light green granite and is 4½ inches long. The oval Harrison flint blade was found with another in Harrison County, Indiana, in 1976 and is 5 inches long. The hoe in the lower right photo was found in May of 1973 in Hardin County, Kentucky. It is made from a light tan and brown chert and is 5 inches long.

from the collection of
David Stemle, New Albany, Indiana

THE HAVINS SITE

Robert J. Dunay — Franklin Lake, New Jersey

The site is located on the east bank of the Wallkill River in the Township of Vernon, New Jersey. The site covers approximately six acres. It was excavated intermittently from 1927 through 1970 with the permission of the owner, Mr. Victor Havins. The only restriction imposed on our excavating was that at the end of each day's dig, the trenches were to be filled and the sod replaced. Our efforts at excavating were often hampered by overly nosey cows and the swarms of flies which followed them.

The object of this report is to give as complete an account as possible of the materials and features which were found on this site. To date, not one report has been submitted for any site in the northeast section of the state. This has left a considerable void in our knowledge of the early occupants of this area. I feel that this report will help fill this void. It is quite regrettable that few written records were kept on the excavation of this important site. This report was compiled with the help of George Webber, William McConnell and Ray Gardner, all fellow collectors from Bloomingdale, who shared in the excavating of the Havins Site. Their comments on features and artifacts that they encountered there helped immensely in preparing this report.

This site is a multi-complex site which was used from the Early Archaic through the Transitional Archaic, Early Woodland, Late Woodland and Contact Periods. I feel that this site was very important because of its location on the banks of the Wallkill River. The Wallkill River starts as two separate streams. The first stream is the drainage stream for Lake Mohawk in Sparta, Sussex County, New Jersey. The second stream originates in the Kittatinney Mountains about twenty miles north of Lake Mohawk near Colesville, Sussex County, New Jersey. At its starting point, this second stream is less than five miles southeast of Port Jervis, New York, and the Delaware River. After running northeast for sixty miles, the Wallkill empties into the Hudson River at Kingston, New York. This course made it a natural trade route between the Indians of the Hudson and Delaware Valleys. The evidence of this trade can be seen in the ceramics, steatite, rhyolite and jasper which was brought down the Wallkill River from Pennsylvania and the Delaware River. Ceramic styles and flints common to Upper New York State are also represented at the Havins Site. This material was first brought down the Hudson River and then up the Wallkill River where it most probably was traded for materials from Pennsylvania and the Delaware Valley.

Approximately seventy percent of the site has been excavated. Much of the site has not been excavated because numerous large trees, limestone ledges, and boulders made digging in some areas impossible. Most of the excavating was done on the numerous small flats which made up the site. The largest flat also had large sidehill dumps located on the riverside which was also excavated. Some of the flats were limestone ledges with from a few inches to two or three feet of dark brown, or in some places coal black, soil on top. This made it impossible to separate the artifact types by stratiography. Where deeper excavation was possible, this topsoil was followed by a yellow subsoil which was very dense with some of the qualities of clay. This subsoil was sterile and any intrusions such as pits, hearths, burials and postmolds were easily seen. At a number of places test trenches were dug into this subsoil and not a chip or speck of charcoal was found. The large number of hearths and pits in some areas helped to mix the artifacts together. It wasn't uncommon to find an Archaic type point above a triangular Woodland point.

In all thirteen burials that were excavated, all were found on the largest flat. Eleven of the burials were clustered at the northeastern

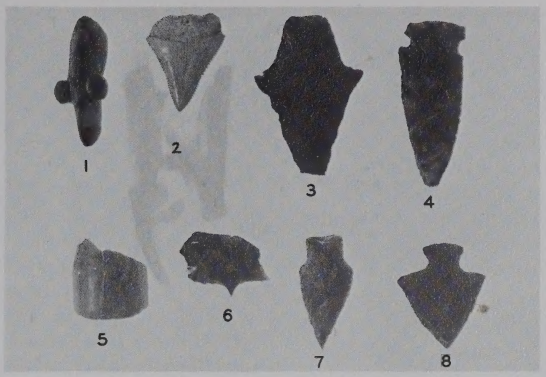


Figure HA-3 Havins Site, Vernon Township, Sussex County, New Jersey. #1 Birdstone head - green slate. #2 Excavated shark's tooth. #3 Lehigh type point - red flint. #4 Meadowood type point - green flint. #5 Pipe bowl soapstone. #6 Flint graver. #7 and #8 Havins Site type points.

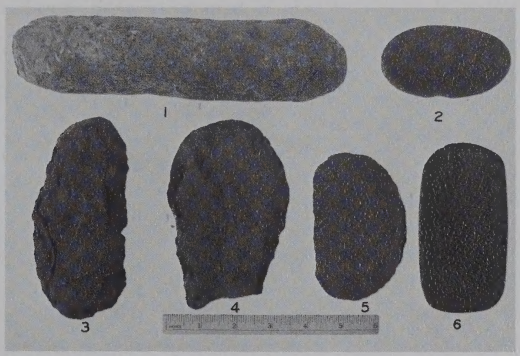


Figure HA-10. Havins Site. #1 Pestle. #2 Grooved bolo stone or netsinker. #3 Chipped slate chopper. #4 Slate hoe. #5 Slate chopper. #6 Green hardstone polished celt.

All material from the collection of
Robert Dunay, Franklin Lakes, New Jersey

end of the flat. The flexed skeleton of an adult was found near the eastern end of the flat. The last burial was found on the western edge of the flat. This burial contained only the long bones of a single individual. The head, ribs and small bones must have been buried elsewhere. One grave contained the well-preserved skeletons of three individuals. Two were adults and the third was that of a child in the early teens. It appears that they were all interred at the same time. It is possible that they died of smallpox, cholera, or some other disease brought here by the early settlers. The good condition of these three skeletons can be attributed to their being buried in a pit dug sixteen inches into the subsoil then covered with slabs of stone. These stones kept the skeletons from coming in contact with the more acid topsoil. These burials were apparently all Late Woodland or Contact Period as triangular points and pottery sherds were found in the fill.

The graves were all from two to four feet in depth. Four of the burials were made with the individuals being buried in a flexed position. The others were all extended burials. No surviving grave goods were found with any of the burials. The skeleton of a small dog was found in a shallow pit on the northern edge of the large flat. It appeared to have been a pet and was carefully buried. All were buried with their heads pointing in a westerly direction.

Nearly 150 hearths were excavated. Their sizes varied from about fifteen inches to four feet in diameter. The depth varied from shallow depressions of a few inches to nearly two feet. Most of the hearths were lined with round river cobbles of from three to six inches in diameter. Perhaps a dozen hearths were lined with small slabs of limestone. These were from one to four inches thick, some as long as fifteen inches, and random in shape. Many artifacts were found in direct association with these hearths. Thousands of small pieces of pottery leads this list of artifacts. Thousands of fire cracked cobbles were scattered around the entire site. Some were probably from hearths which were disassembled by the later occupants of the site. Most were probably used as cooking stones by the earlier preceramic Archaic occupants.

There were a number of post molds found on the main flat. These appeared to be random and did not form any pattern. These were from two to five inches in diameter.

While excavating the river side of the large flat, we dug up a large boulder about four feet in diameter. There were three grooves worn in along one face of it. It was apparently used for sharpening axes or celts.

Approximately 350 pits of varying shapes were excavated. Nearly 250 were basin shaped, 90 bell shaped, and 10 cylindrical in shape. Their sizes varied from 10 inches to six feet in diameter. The depths varied from eight inches to five feet.

The largest pit was bell shaped. It was five feet deep and six feet in diameter. The bottom of the pit was lined with river cobbles from three to six inches in diameter. This feature contained a large quantity of charcoal, several triangular points, some pot sherds, a 2½-inch drill of blue flint and several hundred flint and jasper chips. A large shark's tooth — Fig. HA-3, #2, was found in a pit at a depth of twenty-eight inches. This pit was nearly three feet in diameter and contained charcoal and fire cracked stones. Several triangular points were found in close proximity to this feature. These pits were most likely made for use as storage pits. When these pits were no longer needed for storage, they were filled with refuse. These pits contained pottery sherds, projectile points, chips, scrapers, drills, netsinkers, charcoal, bones and other artifacts in varied amounts. Some pits contained perhaps just a few chips and some contained a large variety of material.

Much of the food eaten by the early occupants of this site was in the form of fish and fresh water mollusks. This is readily evident by the large number of netsinkers and mollusk shells which were found throughout the site. Venison and bear meat were also important items on their menu. This can easily be seen by the pieces of large bones, portions of deer antlers, and several bears' teeth — Fig. HA-5, #7 & #12 which were uncovered. Most of the larger bones were cracked and the marrow removed. This is the reason why very few large animal bones are ever recovered from sites here in the Northeast. Though not many identifiable bones of small animals and birds were found, they also were an important food source. The scarcity of these bones is probably due to the acid content in the soil. Most of the food eaten by these people was probably in the form of nuts, acorns, roots, plants and wild grains. Several charred acorns, corn and hickory nuts were found in pits. Further proof in the importance of this food source can be seen by the number of milling stones, mullers and pestles — Fig. HA-10, #1. Corn, squash and tobacco were probably raised here by the Indians of the Woodland Period. The only evidence of any cultivation being done by the Indians on this site is in the form of a crude hoe found there — Fig. HA-10, #4.

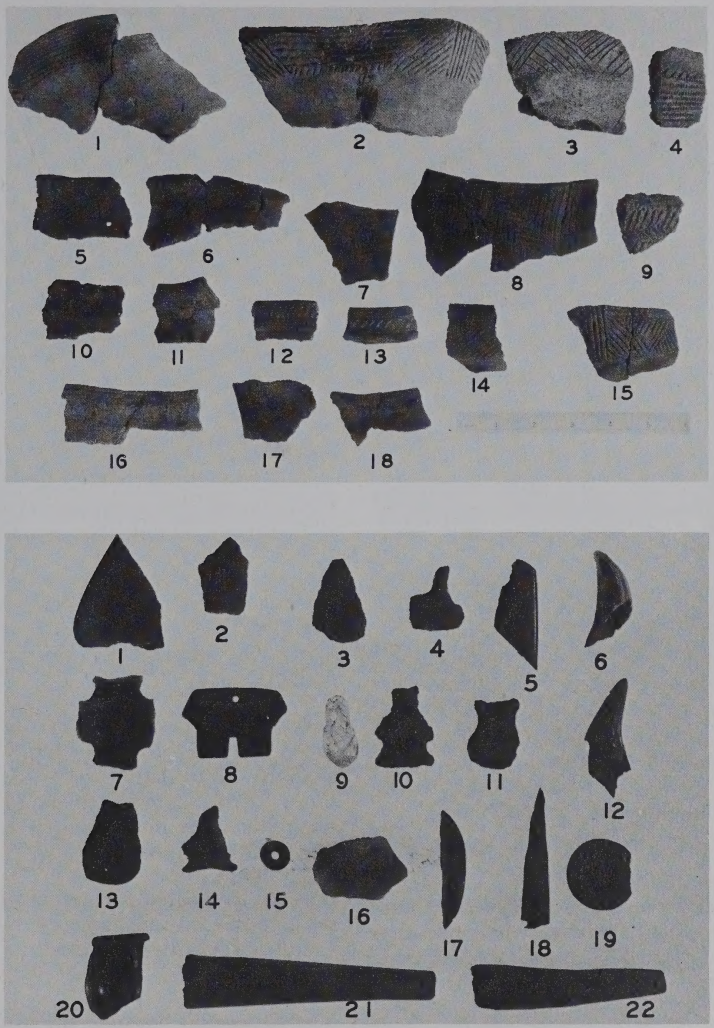


Figure HA-11 Havins Site. Examples #1 thru 18 represent a variety of pottery rim sherds found. Figure HA-5 Havins Site. #1 Piece of semilunar knife (Ulu) slate. #2 and #3 engraved clay pipe bowl rim sections. #4, #10 and #15 various types of drills. #5 and #20 portions of black soapstone platform pipe. #6 and #12 bear teeth. #7 and #13 Specialized scrapers. #8 Red incised soapstone pendant. #9 Quartz crystal pendant-notched for suspension cord. #11 Orient fishtail flint, broken. #15 Black glass trade bead. #16 French gun flint. #17 Grooved soapstone pendant, broken and used afterwards. #18 Conical copper arrow point. #19 Hibernia farthing (1726 Ireland) slightly larger than a quarter. #21 and #22 Clay pipestems.

All material from the collection of
Robert Dunay, Franklin Lakes, New Jersey

WHAT IS CADDO?

Sam Johnson and Bill Gray — Murfreesboro, Arkansas

The following story is about "What is Caddo?" The word "Caddo" is the English word from Kadohadochu shortened to Kado. Then "Caddo" finally followed. The name has been changed but the history of these fascinating cultures remains.

THE KADOHADOCHO

The tribe has been traced back to 1000 A.D. Their most important territory included Southwest Arkansas from the waters of the Ouachita to the Big Bend in the Red River near Fulton, Arkansas. Later, the territory was extended to Northwest Louisiana, sections in Northeast Texas, and finally, the reservations in Oklahoma. Five thousand Kadohadochos roamed the land before contact with the white man.

There were six divisions of the Kadohadocho Confederacy: 1) Kadohadocho, 2) Cahinnio, 3) Manatsoho, 4) Upper Nasoni, 5) Upper Natchitoches, and 6) Upper Yatisi. We are concerned with the Kadohadocho tribe, which translated means "Real Chiefs."

This title infers that the Kadohadocho council was highly regarded, and their leadership and culture were accepted and used as younger men moved to new hunting and fishing lands. The council's ideas were then passed down from generation to generation.

These people were agricultural. Their crops consisted of corn, beans and squash. They also gathered native nuts and berries in season as well as medicinal herbs and roots.

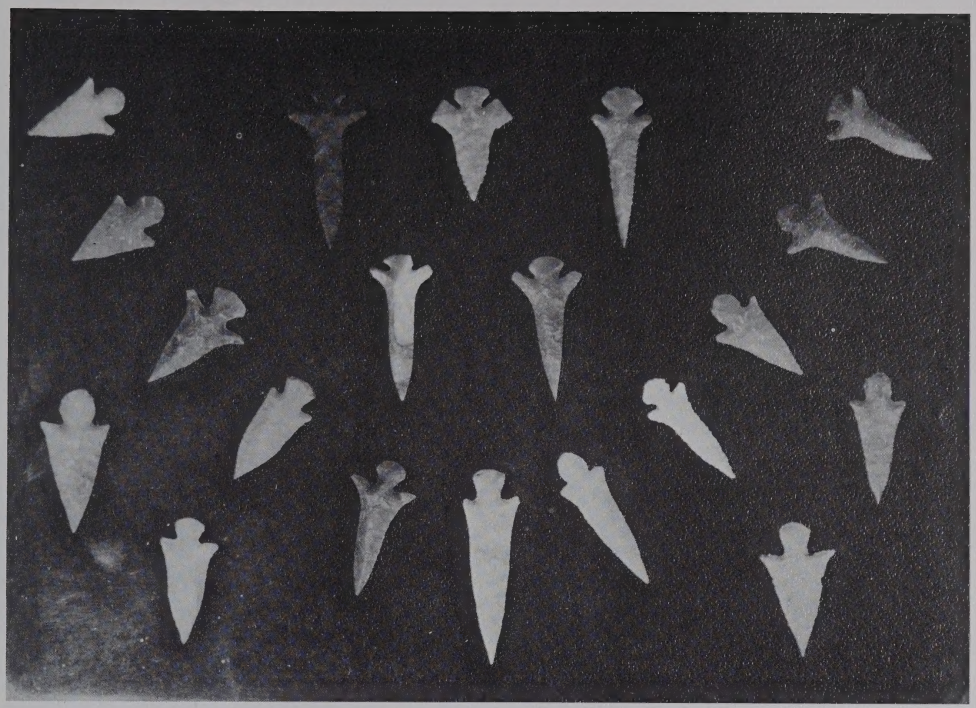
The Kadohadocho were great artisans, making beautiful pottery. Besides the utility items, they fashioned earthenware decorated with geometric and circular designs and zoomorphic (animal) effigies. They fashioned tools and weapons from native rocks, shells, bone, antlers, horns, skins, wood, bark, cane and vines. The most prized stone used was novaculite because its translucent beauty is both opulent and irridescent, and its colors span a large part of the spectrum. Many of these beautiful artifacts have survived and can be seen at Ka-Do-Ha Discovery. Bone, shell and stone objects are the most prevalent because of their resistance to wear. Some of the common pieces of bone and shell are needles, hairpins, fishhooks, gorgets (pendants), beads, nose-pins, ear spools and hair ornaments.

The stone artifacts that constituted daily life are manos and metates for grinding and crushing, hoes, shovels, arrowheads, spears, axes, knives, scraping tools, chisels and drills.

Some fine pottery pieces have survived intact, attesting to the high quality of workmanship. These pieces were tempered in sand, shell or grass fibers to give them strength. Many of the pots were equivalent to a bushel or more.

Basketry was used for gathering and transporting various items of food, but only a few small pieces have withstood the elements of time and nature.

The Kadohadochos' diet consisted mainly of small game, deer, birds and fish. Buffalo are thought to have been in the tribe's area, but there is no evidence that they were ever hunted for food. The deer was the largest animal hunted, and every part was utilized from the antlers to the hooves. The Kadohadocho apparently netted their fish. They caught mostly rough fish such as carp, buffalo and gar. The gar's skin dries as hard as steel and was used to make very tough agricultural tools.



Outstanding Caddo burial points made especially for burial purposes. These well-made small points can compare in quality to any points produced by prehistoric man. All were found in southwest Arkansas.

formerly in the collection of
Sam Johnson, Murfreesboro, Arkansas

These people had two basic types of shelter — rectangular, and circular — or oval. Poles set in trenches at regular intervals formed the basic structure, with supporting roof poles added to the inside. In some cases these poles were removed after completion of the dwelling. Rafters of poles and cane daubed with mud and thatched with grass usually constituted the roof, with a smoke hole left near the center. The doorway, extending out several feet, usually faced the northeast. Cane, grass and mud completed the shelter. Inside poles were set in the ground to make benches or beds. In some cases, partitions were made to separate the shelter into rooms. The Kadohadocho built several fires at once — one in the doorway and one or more inside the dwelling.

There were two types of mounds used by the Kadohadocho — temple and ceremonial. The temple mound had a structure on top where the chief lived at least part of the time. Here he was buried and his house burned,

and a new structure built for his successor. The ceremonial mounds were used for ceremonies, although interments sometimes occurred there.

The Kadohadocho leaders were endowed with absolute sovereign power even to the point of life or death. They ceremoniously adorned themselves completely. They wore ear spools, nose plugs of bone, shell necklaces and pendants, and copper and plume headdresses. Bands encircled their arms and legs, and fringed aprons with beaded belts and knotted sashes completed their dress. They carried maces of stone, bannerstones and even human heads. Taking heads was a highly prized custom among the chiefs, which is indicated many times over by inscriptions on shell gorgets and surviving artifacts.

When a chief died, he was interred in the temple mound along with personal objects of adornment and funerary pottery. These included pipes, water bottles, food bowls and zoomorphic pottery. The bowls were filled with food for his journey to the next world. The majority of the pottery objects were unused, suggesting that they were made especially for the burial. At the time of his interment, others were interred with him. These healthy victims, men and women of all ages, were probably to be his servants, advisors, or favored wives in the next world. After the interment was completed, the entire structure on the temple mound was burned. A new layer of earth was added to the top of the burned remains, then a new structure was built for the next chief.

The new leader entered his own era as soon as the ceremonial burial of the dead chief was carried out. This was a very pompous and important occasion attended by chiefs and dignitaries from all the sub-tribes and other tribes who owed allegiance to the Kadohadocho. Some traveled long distances, bringing gifts of beautiful pottery, beads, flint and shell ornaments to seek favor with the new great chief of the Kadohadocho Confederacy. At this time, there was much council and smoking of the pipe.

The common people were buried in cemeteries much like our own. There was no pomp and ceremony; however, their personal objects and bowls of food were interred with them.

These people probably lived in good health until the advent of the white man. Thereafter, many of the tribes were almost completely wiped out by smallpox and other diseases.

The first *historic* encounter of the Kadohadocho Confederacy with the white man was in October, 1541 when DeSoto and his army met the Cahinnio Tribe. The next recorded enounter was made 146 years later in 1687 by six survivors of the LaSalle expedition. These people passed through the Kadohadocho, the Nasoni and the Cahinnio on their way to the Mississippi River. In 1691, Domingo Teran mapped this region for the first time. In 1719, a French officer, Bernard de la Harpe, established a trading post in the area, which survived several years, bringing in traders and travelers.

Late in the 18th century, the Kadohadocho moved to another location some distance below their ancient village because of conflict with the warring Osage. About 1800, after more conflict, they established themselves northwest of present-day Shreveport, Louisiana.

In 1824, they were joined by the Quapaw who had made a treaty with the United States Government agreeing to give up their lands on the Arkansas. However, the Quapaw suffered such heavy losses from Red River floods that they surrendered these lands in 1833 and were removed to Oklahoma.

In 1835, the Kadohadocho signed a treaty relinquishing all their lands in the United States and moved to Texas, where they lived among the Hasinai and the Cherokees. Due to increasing friction between the whites and the Indians, a reservation was set apart on the Brazos River for them in 1852. The problems did not stop, and in 1859, they moved to a new reservation in the territory of Oklahoma.

Beautifully engraved Caddo water bottle. Classic design and well balanced shape distinguish this fine pottery relic. Note the cut and crossed hatched design typically Caddo.

Incised Caddoan bowl. This type represents one of the fine types produced by these people. These pottery vessels are found as burial offerings in the Caddo complex.

Formerly in the collection of
Sam Johnson, Murfreesboro, Arkansas

THE NORTHWEST SPEAKS

Carlyle F. Burgoyne

I just received a nice note from John Baldwin, our editor in chief, requesting an article for 1979, and I'm almost ashamed that I needed prodding. Busy I have been and delinquent also. John mentioned several subjects as possibilities, and I'm happy he did — I needed that. For instance, he said and I quote: "We in the Midwest think most obsidian is fake." Well, let me attempt to clear the air a little on that one.

The first and the last arrowheads I found in and on old Indian campsites in our country were made of obsidian. Now I have thousands of knives, scrapers, and arrowheads made of obsidian.

In Oregon and California, obsidian is common and Indians had factories outside in the weather areas where they blanked out the best material to be carried to their camps where there was no suitable material for their weaponry or items of adornment. Yes, obsidian was used extensively because it chipped beautifully. Because of this the recent man tried to duplicate the ancient Indians' workmanship. Many, many amateur archaeologists and some people not so amateurish started making everything of obsidian from arrowheads to eccentrics just like many Mexicans. Obsidian chips easily and perfection became rote. One thing the arrowhead manufacturer of today doesn't ordinarily do is to make the tiny serrated Kalapooya point of the Willamette Valley here in Oregon. The larger items are easier to make. I suppose many unsuspecting people buy beautiful items thinking they're genuinely ancient.

For a while, a short while, I thought I could not be fooled about recently made items, but, at this moment, I'm not too sure of my own ability to differentiate. So my forte is to dig or surface hunt for what I place in my museum. I have four white man-made arrowheads of obsidian. Three of these are beautiful and symmetrical to perfection. I just wish, sometimes, that some of my ancient arrowheads were made as well. But present man has much better chipping tools. After the first attempt at making arrowheads failed, I found it far easier to find ancient items than to try to make them. Besides, I wanted genuine items of antiquity.

In Oregon and California, there are huge deposits of obsidian where Indians obtained material for their tools. There is obsidian of green, brown, almost red, blue, rainbow colors, snowflake, but mostly black. There was enough obsidian to furnish the world, if possible, with arrowhead material for ages. Approximately 96 percent of all Paiute arrowheads, ten percent of all Columbia River arrowheads, and 90 percent of Willamette Valley arrowheads were made of obsidian. A very high percentage of arrowheads manufactured in Mexico, the Land of Volcanoes, were of obsidian.

There are many Indian artifacts found in the eastern states that don't seem to appear in our western collections. Birdstones, bannerstones, and eccentrics are seldom, if ever, found. Sometimes we westerners wonder how many of these magnificent items are fake. So I'm not surprised by the easterners wondering about our obsidian and gem stone artifacts of the west.

My suggestion is: If you're buying your collection, be darn sure you're getting what you're paying for. Recently chipped obsidian generally, but not always, shows evidence of a whitish and very shiny edge. However, I have found arrowheads of obsidian eight feet deep that show the same reflections.

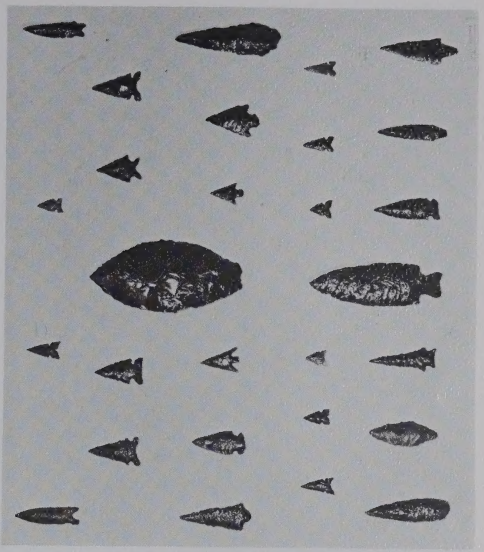
ABOUT AXES, PIPES, AND BIRDPOINTS

If my collection is representative of all collections in the northwest, and I think it is, my conclusion is that pipes were not used at all by many of the Indian families. There are pipes but they're hard to come by. The pipes I have found are generally tubular and steatite seemed to be one of the favored materials used. Sandstone was used by a few of the early people of central Oregon. These central Oregon pipes are of the bowl type.

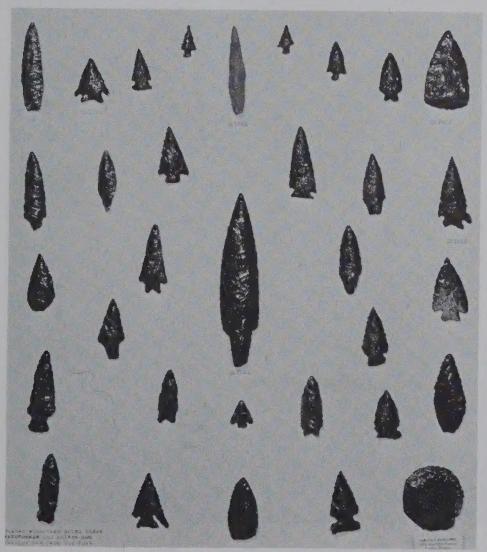
Axes are a rarity in Oregon and the only ones I have came from the southwest. I do have a few basaltic wedges that, if sharpened, could have been used as axes.

I once thought about arrowheads as I did ammunition for guns: a twenty-two (22) bullet was for small game such as squirrels and true; a thirty-thirty (30-30) bullet was for larger game, and that is true too. A small arrowhead, I thought, was supposed to have been used for small game and a larger arrowhead was supposed to have been used for larger game. But what were all of those small to medium-sized arrowheads doing in a Montana Buffalo Jump? I found no large points. I found tons of buffalo bones and hair but the arrowheads were from a half inch in length to three quarters of an inch long. Apparently, all the Indian needed was an arrowhead sharp enough to provide a hole through the skin for the shaft to follow — opening into the life-giving bloodstream. So when I hear the term (birdpoints) I begin to wonder. Obviously, though, no one is going to use a four-inch spear point for killing a quail.

Obsidian arrowheads, knives and one crescent from Central Oregon - Pauite Country.
Carlyle F. Burgoyne



Black obsidian arrowheads and knives from Central Oregon - Pauite Country.
Carlyle F. Burgoyne

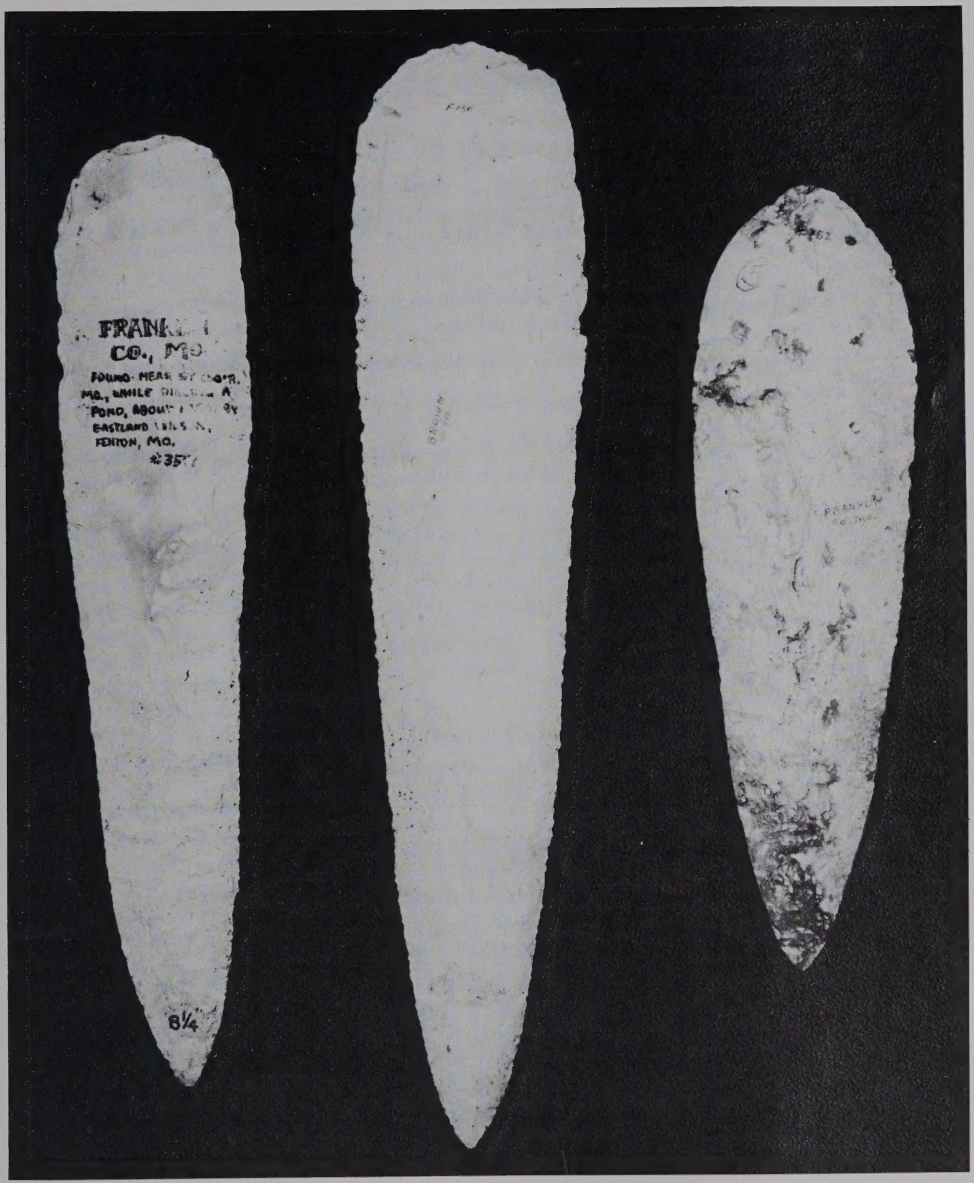


Obsidian arrowheads, knives and scraper from Central and Eastern Oregon - Pauite Country.
Carlyle F. Burgoyne

Mostly obsidian arrowheads from the Willamette Valley in Western Oregon.
Carlyle F. Burgoyne

Six fine Archaic Period points from Illinois. Left to right, Pike County, Illinois; Brown County, Illinois; and Brown County, Illinois. Bottom row from Illinois, counties unknown.

from the collection of
Robert Dunn, Mt. Sterling, Illinois



Three fine blades or knives made from white, gray, and pink material. Left - found while digging a pond. Franklin County, Missouri. Center - Brown County, Illinois. Right - Franklin County, Missouri.

from the collection of
Robert Dunn, Mt. Sterling, Illinois

LINCOLN, ILLINOIS, MEETING

GENUINE INDIAN RELIC SOCIETY, INC.
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V.F.W. HALL, 915 5th STREET, LINCOLN, ILLINOIS

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For publication in "The Redskin" or for use in the authentication program.

This meeting is being hosted by Edwin S. Onken and George Hoke.

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Best Illinois or Missouri Color Artifact, Snyders Point, Discoidal, Effigy Pottery Vessel, Painted Pottery, Spud, Hoe, Pipe, Best Hardstone, Best White Flint Artifact.

The Ladies Auxiliary will serve lunch at the V.F.W. Hall.

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DEC. 9, 1979 — BUSINESS MEETING — COLUMBUS, INDIANA

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